

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY WHITE,
Petitioner,
v.

NETHANJAH BREITENBACH, *et al.*,
Respondents.

Case No. 2:21-cv-01800-GMN-VCF

ORDER

In this habeas corpus action, brought under 28 U.S.C. § 2254 by Troy White, who is represented by appointed counsel, the respondents filed a motion for more definite statement on December 26, 2024, seeking an order directing White to provide a more definite statement regarding the exhaustion of state court remedies with respect to the claims in his amended habeas petition. ECF No. 38. White filed an opposition to that motion on January 24, 2025 (ECF No. 41), and the respondents filed a reply on January 31, 2025 (ECF No. 42).

Respondents argue in their motion that, in violation of Rule 2(c) of the Rules Governing 2254 Cases and this Court's scheduling order (ECF No. 10), White failed in his amended habeas petition (ECF No. 13) to specify when, where, and how he exhausted his claims in state court. However, Rule 2(c) of Rules Governing 2254 Cases does not include a requirement regarding the pleading of exhaustion of claims. And White has complied with the requirement in the first scheduling order that, "for each claim that has been exhausted in state court, the amended petition must state how, when, and where that occurred" (ECF No. 10 at 1); in his amended petition, White identifies the pleadings in which he presented his claims in state court. See ECF No. 41 at 5–7.

IT IS THEREFORE ORDERED that Respondents' Motion for More Definite Statement (ECF No. 38) is **DENIED**.

1 **IT IS FURTHER ORDERED** that Respondents will have 45 days from the date
2 this order is entered to file an answer or other further response to the amended petition
3 for writ of habeas corpus (ECF No. 13).

4 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
5 proceedings set forth in the scheduling order entered July 30, 2024 (ECF No. 34)
6 remains in effect.

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8 DATED THIS 13 day of February 2025.

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12 GLORIA M. NAVARRO
13 UNITED STATES DISTRICT JUDGE
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